

# **EXHIBIT 11**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

IN RE: INTERIOR MOLDED DOORS  
INDIRECT PURCHASER ANTITRUST  
LITIGATION

Lead Civil Action No. 3:18-cv-00850-JAG

**PROPOSED ADDITIONAL VERDICT FORM QUESTIONS<sup>1</sup>**

**I. VIOLATIONS OF STATE ANTITRUST STATUTES**

**A. Common Questions for Liability: All States<sup>2</sup>**

- a. Have IPPs proven Defendants engaged in a contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce?
- b. Have IPPs proven that Defendants violation of state antitrust laws caused IPPs injury?
- c. Have IPPs proven that Defendants' violation of state antitrust laws caused IPPs to suffer damages?

**B. State-Specific Question for Awarding Treble Damages [to be answered only if the jury returns a verdict in favor of plaintiffs on their antitrust claims].**

- a. Have IPPs proven that Defendants' violation of state antitrust laws was flagrant?

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<sup>1</sup> This Additional Verdict Form can easily be amended pursuant to any ruling by this Court.

<sup>2</sup> The antitrust statutes of Arizona, Hawaii, Kansas, Michigan, New Hampshire, Oregon, Utah, and West Virginia have federal harmonization provisions. *In re Interior Molded Doors Antitrust Litig.*, No. 3:18-cv-00718-JAG, 2019 WL 4478734, at \*16 (E.D. Va. Sept. 18, 2019); *see also* Ariz. Rev. Stat. Ann. § 44-1412; Haw. Rev. Stat. § 480-3; Kan. Stat. Ann. § 50-163(b); Mich. Comp. Laws Ann. §§ 445.784(2); N.H. Rev. Stat. § 356:14; Or. Rev. Stat. § 646.715(2); Utah Code Ann. § 76-10-3118; W.Va. Code Ann. § 47-18-16. The antitrust statutes of California, Maine, Minnesota, Mississippi, New York, North Carolina, North Dakota, Tennessee, and Wisconsin are interpreted consistently with federal antitrust law. *In re Interior Molded Doors Antitrust Litig.*, No. 3:18-CV-00718-JAG, 2019 WL 4478734 at \*16; ECF No. 180-2 (State Antitrust Statutes Chart); Appendix B.

- i. Arizona, Michigan, New Hampshire, and North Dakota.<sup>3</sup>

## II. VIOLATIONS OF STATE CONSUMER PROTECTION STATUTES

### A. Common Questions for Liability.

- a. Have IPPs proven that Defendants violated state antitrust laws?
  - i. Arizona, Florida, Maine, Massachusetts, North Carolina, New Hampshire, New Mexico, South Carolina, West Virginia,<sup>4</sup> California.<sup>5</sup>
- b. Have IPPs proven that Defendants engaged in unconscionable or unfair conduct?
  - i. Arkansas, California, Oregon, Tennessee.<sup>6</sup>

## III. VIOLATIONS OF STATE UNJUST ENRICHMENT LAWS

### a. Common Questions for Liability:<sup>7</sup> All States.<sup>8</sup>

- i. Have IPPs proven that:
  - 1. Defendants received a benefit;
  - 2. At the IPPs' expense; and
  - 3. That it would inequitable or unjust for Defendants to accept and retain the benefit?

### b. State-specific Questions for Liability

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<sup>3</sup> See Ariz. Rev. Stat. Ann. § 44-1408; Mich. Comp. Laws Ann. § 445.778; N.H. Rev. Stat. Ann. § 356:11; N.D. Cent. Code Ann. § 51-08.1-08.

<sup>4</sup> Statutes with FTC Act Harmonization provisions. *In re Interior Molded Doors Antitrust Litig.*, No. 3:18-CV-00718-JAG, 2019 WL 4478734, at \*19–20 (noting “[t]he standard of ‘unfairness’ under the FTC Act ... encompass[es] ... practices that violate the Sherman Act and the other antitrust laws.”) (citation omitted); N.H. Rev. Stat. § 358-A:13; N.M. Stat. § 57-12-4; W. Va. Code § 46A-6-101.

<sup>5</sup> Statute that requires proof that Defendants violated another law. Appendix B.

<sup>6</sup> *In re Interior Molded Doors Antitrust Litig.*, No. 3:18-CV-00718-JAG, 2019 WL 4478734, at \*20; Appendix B; ECF No. 180-3.

<sup>7</sup> *In re Interior Molded Doors Antitrust Litig.*, No. 3:18-CV-00718-JAG, 2019 WL 4478734, at \*22.

<sup>8</sup> IPPs bring claims under the Unjust Enrichment laws of the following States: Arizona, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New York, North Carolina, Oregon, Tennessee, and Wisconsin. ECF No. 134 at ¶ 246.

- i. Have IPPs proven that Defendants appreciated or had knowledge of the conferral of the benefit by IPPs?
  - 1. Massachusetts, Maine, North Carolina, Oregon, Tennessee, Wisconsin.<sup>9</sup>
- ii. Have IPPs proven that there is no other adequate remedy at law?
  - 1. Massachusetts, Minnesota, New York, North Carolina.<sup>10</sup>

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<sup>9</sup> See Appendix B.

<sup>10</sup> See Appendix B.